



UNITED STATES PATENT AND TRADEMARK OFFICE

UNITED STATES DEPARTMENT OF COMMERCE
United States Patent and Trademark Office
Address: COMMISSIONER OF PATENTS AND TRADEMARKS
Washington, D.C. 20231
www.uspto.gov

APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/763,597	07/02/2001	Charles Love	440431	9284
23548	7590	08/06/2002		
LEYDIG VOIT & MAYER, LTD 700 THIRTEENTH ST. NW SUITE 300 WASHINGTON, DC 20005-3960			EXAMINER	
			MENON, KRISHNAN S	
			ART UNIT	PAPER NUMBER
			1723	
DATE MAILED: 08/06/2002				

Please find below and/or attached an Office communication concerning this application or proceeding.

5

Office Action Summary	Application No.	Applicant(s)
	09/763,597	LOVE ET AL.
	Examiner	Art Unit
	Krishnan S Menon	1723

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

1) Responsive to communication(s) filed on 16 July 2001.

2a) This action is FINAL. 2b) This action is non-final.

3) Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

4) Claim(s) 1-11 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

5) Claim(s) _____ is/are allowed.

6) Claim(s) 1-11 is/are rejected.

7) Claim(s) _____ is/are objected to.

8) Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

9) The specification is objected to by the Examiner.

10) The drawing(s) filed on _____ is/are: a) accepted or b) objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).

11) The proposed drawing correction filed on _____ is: a) approved b) disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.

12) The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

13) Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) All b) Some * c) None of:
1. Certified copies of the priority documents have been received.
2. Certified copies of the priority documents have been received in Application No. _____.
3. Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.

14) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) The translation of the foreign language provisional application has been received.

15) Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

1) <input checked="" type="checkbox"/> Notice of References Cited (PTO-892)	4) <input type="checkbox"/> Interview Summary (PTO-413) Paper No(s). _____ .
2) <input type="checkbox"/> Notice of Draftsperson's Patent Drawing Review (PTO-948)	5) <input type="checkbox"/> Notice of Informal Patent Application (PTO-152)
3) <input type="checkbox"/> Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ .	6) <input type="checkbox"/> Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 102

The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(a) the invention was known or used by others in this country, or patented or described in a printed publication in this or a foreign country, before the invention thereof by the applicant for a patent.

1. Claims 1, 4-7, 9 and 10 are rejected under 35 U.S.C. 102(a) as being clearly anticipated by Nakano (US 5,660,863).

Nakano (863) discloses a method of making and a porous element formed by pressure molding a slurry containing inorganic particles (col 3: 45-55), providing a slurry to a porous substrate and sintering to bond (col 4: 15-25). The element has a unitary body, with a porous substrate (fiber filling) with the particles disposed within the substrate and mechanically interlocking by sintering (example 1). The slurry includes a liquid, with plurality of inorganic particles of nominal dimensions (example 1), with separating the liquids at least partially by pressure. The porous medium has two interspersed regions, one provided by the fibers and the other by the particles, one medium larger than the other, and they are bonded together by a plurality of bonds (example 1.) as in claim 10.

Nakano (863) also discloses a method of forming a mixture including a liquid medium with a plurality of inorganic particles having a first size, and a plurality of second particles (fibers) having a second size, one size larger than the other, sinter-bonding them together, as in claim 9 of the instant application.

2. Claims 2 and 3 are rejected under 35 U.S.C. 102(b) as being clearly anticipated by JP (03 162503).

JP(503) discloses a cylindrical porous medium (figure) having two portions of different axial dimensions, one being greater than the other, and the two portions have predetermined porosity. It has two portions – one body portion, and one end portion, both of unitary construction.

3. Claim 8 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by Takahar (US 5,417,917).

Takahar (917) discloses a porous medium having a mass of sintered inorganic particles having a porosity greater than 50% (tables 7,8)

4. Claim 11 is rejected under 35 U.S.C. 102(b) as being clearly anticipated by FR (2 726 498 A3).

FR(498) discloses a molding apparatus for a ceramic cup with a cavity arranged to contain a slurry with a first die to press a first portion of the slurry in the cavity and then a second die to press the second portion of the slurry in the cavity (see Figures of FR(498) and the DERWENT summary).


W. L. WALKER
SUPERVISORY PATENT EXAMINER
TECHNOLOGY CENTER 1700